

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Juan Arango	Team: Squad #9	CCRB Case #: 201900412	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/10/2019 6:00 AM, Tuesday, 01/15/2019 8:30 AM	Location of Incident: § 87(2)(b)	Precinct: 32	18 Mo. SOL 7/15/2020	EO SOL 3/1/2021	
Date/Time CV Reported Tue, 01/15/2019 11:29 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 01/15/2019 11:29 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. DT3 Christophe Healy	4546	946490	WARRSEC
3. DT3 Christian Martinez	7412	944774	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Brian Mccarthy	6564	933979	MNROBSQ
2. DT3 Phillip Pena	3923	956156	WARRSEC
3. DT3 Gregory Gordon	03195	940208	072 DET
4. DT3 Michael Christiano	06436	932341	RTCC
5. LT Vladimir Tejera	00000	947859	032 PCT
6. SGT Isaias Martinez	00828	927792	025 DET

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: On January 10, 2019, officers entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
B. Officers	Abuse: On January 10, 2019, officers searched § 87(2)(b) in Manhattan.	§ 87(2)(b)
C. Officers	Abuse: On January 10, 2019, officers refused to provide their shield numbers to § 87(2)(b)	§ 87(2)(b)
D.DT3 Christophe Healy	Abuse: On January 15, 2019, Detective Christopher Healy entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
E.DT3 Christian Martinez	Abuse: On January 15, 2019, Detective Christian Martinez entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
F.DT3 Christophe Healy	Abuse: On January 15, 2019, Detective Christopher Healy searched § 87(2)(b) in Manhattan.	§ 87(2)(b)
G.DT3 Christian Martinez	Abuse: On January 15, 2019, Detective Christian Martinez searched § 87(2)(b) in Manhattan.	§ 87(2)(b)

Case Summary

On January 15, 2019, § 87(2)(b) filed this complaint with the CCRB via phone.

On January 10, 2019, at approximately 6:00 a.m., at § 87(2)(b)'s home in Manhattan, police officers entered and searched § 87(2)(b)'s home for her son's half-brother, § 87(2)(b) and did not provide their shield numbers when asked (**Allegation A: Abuse of Authority – Entry of Premises, § 87(2)(g)**) (**Allegation B: Abuse of Authority – Search of Premises, § 87(2)(b)**) (**Allegation C: Abuse of Authority – Refusal to provide shield numbers, § 87(2)(b)**).

On January 15, 2019, at approximately 8:30 a.m., Detective Christopher Healy and Detective Christian Martinez from the Manhattan Warrant Squad entered § 87(2)(b)'s apartment and searched for § 87(2)(b) (**Allegations D and E: Abuse of Authority – Entry of Premises, § 87(2)(b)**) (**Allegations F and G: Abuse of Authority – Search of Premises, § 87(2)(b)**).

§ 87(2)(b) was arrested on February 6, 2019 and charged with § 87(2)(b).

No video footage related to these incidents has been retrieved. No BWC footage was located for this case as Warrant officers had not been assigned BWCs at the time of this incident.

On August 24, 2020, this case was reassigned to Inv. Arango after Inv. Leilani Rhodes' departure from the agency.

Findings and Recommendations

Allegation (A) Abuse of Authority: On January 10, 2019, officers entered § 87(2)(b) in Manhattan.

Allegation (B) Abuse of Authority: On January 10, 2019, officers searched § 87(2)(b) in Manhattan.

Allegation (C) Abuse of Authority: On January 10, 2019, officers refused to provide their shield numbers to § 87(2)(b).

Allegation (D) Abuse of Authority: On January 15, 2019, Detective Christopher Healy entered § 87(2)(b) in Manhattan.

Allegation (E) Abuse of Authority: On January 15, 2019, Detective Christian Martinez entered § 87(2)(b) in Manhattan.

Allegation (F) Abuse of Authority: On January 15, 2019, Detective Christopher Healy searched § 87(2)(b) in Manhattan.

Allegation (G) Abuse of Authority: On January 15, 2019, Detective Christian Martinez searched § 87(2)(b) in Manhattan.

During her CCRB interview, § 87(2)(b) stated that on January 10, 2019, at approximately 6:00 a.m., three uniformed officers and two officers dressed in plain clothes came to her home and entered and searched, looking for § 87(2)(b). § 87(2)(b) stated that the only description she could provide for the uniformed officers was that they were all white males. She stated that the first officer dressed in plain clothes was a 5'6" tall white male, with a medium build, and who was wearing a bullet proof vest and "regular shorts and pants." The second officer in plain clothes was also a 5'6" tall white male, who was wearing a bullet proof vest. § 87(2)(b) also stated that before the officers left, she asked them for their shield numbers, and they did not provide it (**Board Review 01**).

§ 87(2)(b) stated that two officers dressed in plain clothes also came to her home looking for § 87(2)(b) on January 15, 2019, at approximately 8:30 a.m. Neither of the officers had responded to her home before. § 87(2)(b) asked the officer, "Why are y'all here;" to which, one

replied, that they were looking for § 87(2)(b) and that he had used her address in the past. § 87(2)(b) told PO1 that it was impossible for § 87(2)(b) to have done so because she had just moved to her current address. At some point, one of the officers told § 87(2)(b) that he needed to enter her apartment to do the search and § 87(2)(b) said, “You keep coming here. Come on in and look.” § 87(2)(b) opened the door and let the officers in her apartment. Both officers entered her apartment and each bedroom. The officers did not open any closets and when they did not find § 87(2)(b) they decided to leave **(Board Review 01)**.

The Warrant/I-Card Search Report generated for § 87(2)(b) revealed that § 87(2)(b) was only being sought for an open I-Card at the time of the incident. I-Card #§ 87(2)(b) was generated in connection with Complaint Report number § 87(2)(b) under Case § 87(2)(b) Det. Healy was the assigned investigator on the case.

A BADS search revealed that Detective Brian McCarthy from Manhattan Robbery Squad arrested § 87(2)(b) on February 6, 2019, in regards to Complaint Report number § 87(2)(b). **(Board Review 02)**. The I-Card was cancelled the next day.

All of Det. McCarthy’s DD5s related to § 87(2)(b) were generated after § 87(2)(b) arrest. **(Board Review 03)**.

The Manhattan Robbery Squad Roll Call and the Sign in/Sign out sheet for January 10, 2019 both confirm that Det. McCarthy worked from 3:00 p.m. to 11:33 p.m. on January 10, 2019 and was not working at the time § 87(2)(b) stated the officers went to her home on that date **(Board Review 04) (Board Review 05)**. The Manhattan Robbery Squad Roll Call for January 15, 2019, note that Det. McCarthy worked from 8:00 a.m. to 4:33 p.m **(Board Review 06)**. The movement log/sign in sheet from January 15, 2019 notes that Det. McCarthy signed in at 7:55 a.m and it does not show that he went to the incident location on this date **(Board Review 07)**.

Det. McCarthy’s memo book entries only list his tour and assignment on each incident date. He did not make any entries that place him at the incident location on the dates § 87(2)(b) specified **(Board Review 08)**.

In his testimony to the CCRB, Det. McCarthy confirmed that he was assigned to § 87(2)(b) case **(Board Review 09)**. However, he stated that he never went to § 87(2)(b)’s residence and did not know of any officers that did. Det. McCarthy explained that on the given incident dates, he was in the office and that the only time he goes into the field is when he canvasses for video footage or other evidence. He confirmed that he does not go to residences to look for suspects. His position requires that he stay in the office, and he does not go out looking for suspects because his supervisor is not fond of the idea. He added that he wears a suit to work every day. Det. McCarthy stated that as a detective, it is his responsibility to obtain information to get probable cause to arrest people. He was not aware of any other officers that may have investigated the incident and stated that Warrant Squad may have been involved.

The investigation also requested any DD5s generated by officers from Manhattan Robbery Squad for § 87(2)(b) however, IAB was unable to provide these documents as they were part of an open investigation. A request was sent to IAB to identify any officers from Manhattan Robbery Squad who went to the incident location between January 10, 2019, and January 15, 2019; however, IAB did not find any DD5s documenting any apprehension attempt during that time range.

The DD5s generated from Warrant Section confirmed that Det. Healy was assigned to § 87(2)(b) case **(Board Review 10)**. This document indicates that Det. Healy did not visit § 87(2)(b)’s apartment on January 10, 2019, but confirmed he went to her apartment on January 15,

2019. The Warrant Section Movement Log-Sign-in/Sign-out sheet does not show that any officer went to § 87(2)(b)'s apartment on January 10, 2019.

During his CCRB interview, Det. Healy stated that he did not have any memo book entries in relation to the incident on January 10, 2019 (**Board Review 11**). Det. Healy did not recognize § 87(2)(b) as someone who he had seen before or interacted with before. A photo of § 87(2)(b) did not refresh Det. Healy's recollection of the incident. After showing the DD5 that showed that he was assigned to § 87(2)(b) case, Det. Healy stated that he did not remember having the case but that it was definitely assigned to him. After reviewing the Warrant/I-Card Search report, Det. Healy explained that he did not recall the case or the issuance of an I-Card. Det. Healy was given general information concerning the details about each incident and stated that the information did not help him to remember the incident. A synopsis of the incident was provided to Det. Healy; however, he was still unable to remember the incident. Det. Healy could not link the officers' description that § 87(2)(b) provided to any particular officer.

Concerning January 15, 2019, Det. Healy stated that based on his memo book, which listed the address of the building where § 87(2)(b) resides at 9:15 a.m., it was likely that he went to the location, but that he had no independent recollection of doing so. Det. Healy explained that on that day, he worked with Det. Martinez and Det. Pena also from Warrant Section.

An inquiry with the Manhattan Warrant Squad Roll Call confirmed that Det. Phillips Pena retired from the NYPD in 2019. Therefore, he was unable to be interviewed.

Det. Martinez's memo book entries from January 10, 2019 show that he was assigned to the Manhattan Warrant Squad and worked with Det. Healy; however, it does not contain any entries that place Det. Martinez at the incident location on that date (**Board Review 12**). Det. Martinez's memo book entries from January 15, 2019 show that he worked with Det. Healy and went to § 87(2)(b)'s apartment at 9:15 a.m.

During his CCRB interview, Det. Martinez stated that he did not have any memo book entries regarding the incident on January 10, 2019 (**Board Review 13**). He explained that during the time frame the incident occurred, he was in standby at the stationhouse and Det. Healy went to the field on his own. Det. Martinez explained that based on his memo book, he went to the incident location on January 15, 2019, but that he did not remember anything about the incident due to how long ago it happened. Det. Martinez stated he did not know anything about Det. Healy's investigation surrounding § 87(2)(b) case because it was not his case. Det. Martinez stated that he did not recall participating in Det. Healy's investigation. After showing a photo of § 87(2)(b) and § 87(2)(b), Det. Martinez stated that he did not recognize them by looking at their photos. Det. Martinez was given general information and facts of the incident; however, they did not remind him of any specific incident that he was involved in.

The DD5s from Warrant Section also provided additional companion cases from other commands who may have been involved in § 87(2)(b) investigation (**Board Review 10**). These companion cases were identified as case § 87(2)(b) by the 32nd Precinct Detective Squad and § 87(2)(b) by the Gang Division.

The DD5s from the 32nd Precinct Detective Squad into the investigation of case § 87(2)(b) confirmed this companion case was in relation to a subject named § 87(2)(b) and was closed in 2018 (**Board Review 17**).

A request was sent to IAB to identify any DD5s related case § 87(2)(b) which may have been in regards to § 87(2)(b) (**Board Review 18**). IAB responded that the above case was not in relation to § 87(2)(b). The DD5s of such investigation were obtained and the

Squad Leader: Monique West IM Monique West 5/24/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date